

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**NATIONAL ASSOCIATION OF LETTER
CARRIERS, BRANCH 826, AFL-CIO**

**Cases 12-CA-158352
12-CA-165745
12-CA-165842
12-CA-165850
12-CA-166872
12-CA-166989
12-CA-167983**

DECISION AND ORDER

Statement of the Cases

On June 9, 2016, the United States Postal Service, (the Respondent), National Association of Letter Carriers, Branch 826, AFL-CIO (NALC Branch 826), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enf'd. 486 F.3d 683 (10th Cir. 2007); and *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enf'd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its facilities located within Ponce, Puerto Rico, located within area zip codes 00715, 00716, 00717, 00728 and 00730 in the Respondent's Caribbean District. The Board has jurisdiction over the Respondent and these matters by virtue of Section 1209 of the Postal Reorganization Act (the PRA), 39 U.S.C. § 101 et. seq.

2. The labor organization involved

National Association of Letter Carriers, AFL-CIO (NALC) and NALC Branch 826 each are, and at all material times have been, labor organizations within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Ponce, Puerto Rico, its officers, agents, successors, and assigns shall:

1. Cease and desist from:

(a) Failing or refusing to bargain collectively with National Association of Letter Carriers, Branch 826, AFL-CIO (NALC Branch 826) by failing or refusing to furnish, or unreasonably delaying in furnishing, NALC Branch 826 with information it requests that is relevant and necessary to the performance of its functions on behalf of National Association of Letter Carriers, AFL-CIO, the exclusive collective-bargaining representative of the employees in the following appropriate bargaining unit:

All employees in the bargaining unit for which the National Association of Letter Carriers has been recognized and certified at the national level - City Letter Carriers, employed by the United States Postal Service, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential capacity, security guards as defined in Public Law 91-375, 1201(2), Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the collective-bargaining agreement, rural letter carriers, mail handlers, maintenance employees, Special Delivery Messengers, Motor Vehicle Employees and Postal Clerks.

(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their rights in Section 7 of the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region, post in all its facilities and installations located within zip codes 00715, 00716, 00717, 00728 and 00730 in Ponce, Puerto Rico copies of the notice marked as "Appendix" in both English and Spanish. Copies of the notice, on forms provided by the Regional Director for Region 12, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since August 18, 2015.

(b) Within 14 days of service by the Region, send copies of the Board Order and the attached notice marked "Appendix" in both English and Spanish to all of its managers and supervisors at its facilities located within area zip codes 00715, 00716, 00717, 00728 and 00730 in Ponce, Puerto Rico.

(c) Within 21 days after service by the Region, the Respondent shall file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., August 3, 2016.

Mark Gaston Pearce, Chairman

Kent A. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT fail or refuse to bargain collectively with National Association of Letter Carriers, Branch 826, AFL-CIO (NALC Branch 826) by failing and refusing to furnish, or unreasonably delaying in furnishing, NALC Branch 826 with information it requests that is relevant and necessary to the performance of its functions on behalf of National Association of Letter Carriers, AFL-CIO, the exclusive collective-bargaining representative of the employees in the following appropriate bargaining unit:

All employees in the bargaining unit for which the National Association of Letter Carriers, AFL-CIO has been recognized and certified at the national level – City Letter Carriers, employed by the United States Postal Service, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential capacity, security guards as defined in Public Law 91-375, 1201(2), Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the collective-bargaining agreement, rural letter carriers, mail handlers, maintenance employees, Special Delivery Messengers, Motor Vehicle Employees and Postal Clerks.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/12-CA-158352 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

